

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION – CINCINNATI

MICHAEL A. KITCHEN,	:	Case No. 1:22-cv-500
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	Magistrate Judge Peter B. Silvain, Jr.
v.	:	
	:	
LUCASVILLE CORRECTIONAL	:	
INSTITUTION, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 5)

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The Court has reviewed the Report and Recommendation of United States Magistrate Judge Peter B. Silvain, Jr. (Doc. 5), to whom this case is referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court hereby **ADOPTS** said Report and Recommendation in its entirety.

Accordingly, the Court **ORDERS** the following:

1. Plaintiff Kitchen **MAY PROCEED**, at this time, on his Eight Amendment excessive force claim against Defendants Corns and Romine in their individual capacities.
2. The remaining claims are **DISMISSED**, including the claims for damages against Defendants Corns and Romine in their official capacities, and all claims against the Lucasville Correctional Institution and the Ohio

Department of Corrections/ODRC, pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B).

3. Pursuant to U.S.C. § 1915(a), it is hereby **CERTIFIED** that any appeal of this Order would not be taken in good faith and that Plaintiff should be denied leave to appeal *in forma pauperis*. See *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

**IT IS SO ORDERED.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

By:   
JUDGE MATTHEW W. McFARLAND